

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 8, 2010

Lyle W. Cayce
Clerk

No. 08-20638
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CLEVELAND MANNERS, also known as Mickey,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:01-CR-843-4

Before KING, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:*

Cleveland Manners, federal prisoner # 13608-179, appeals from the district court's denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction based on the crack cocaine amendments to the Sentencing Guidelines. He argues that the amendments conflict with *United States v. Booker*, 543 U.S. 220 (2005), and impermissibly preclude the district court from reducing his sentence below the amended guidelines range of imprisonment. Manners's

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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arguments are foreclosed by *Dillon v. United States*, 130 S. Ct. 2683, 2691-94 (2010), which held that *Booker* does not apply to § 3582(c)(2) proceedings.

Manners has moved for the appointment of counsel. Manners has failed to show that the interests of justice require the appointment of counsel. His motion for the appointment of counsel is DENIED.

The Government's motion for summary affirmance is GRANTED, and the judgment of the district court is AFFIRMED. The Government's alternative motion for an extension of time to file a brief is DENIED.